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October 6, 2014

VIA ECF

Honorable Paul G. Gardephe
United States District Court
40 Foley Square, Room 2204
New York, New York 10007

Re: Mujtaba Agha v. Government of the Federal
Republic of Nigeria
Docket No.: 14 Civ. 3670 (PGG)
Our File No.: 24-8412-00-9

Honorable Justice Gardephe,

The undersigned is counsel of record for the defendant, Government of the Federal Republic of Nigeria ("Nigeria"). This letter is submitted at the request of Your Honor's chambers in conjunction with the upcoming Initial Conference scheduled for October 9, 2014. At present, the undersigned cannot consent to submit a Case Management Plan and Scheduling Order ("CMPSO") as required by your Individual Rules of Practice. Kindly accept this letter in conformity with your procedures.

By letter dated August 6, 2012, electronically filed the same day, we advised the court that due to the plaintiff's failure properly serve Nigeria with the Summons and Complaint, we could not consent to enter into the CMPSO. Plaintiff's counsel subsequently filed a letter seeking a formal extension of time in which to serve Nigeria. On August 27, 2014, the Clerk of the Court filed a Certificate of Mailing, indicating that the Summons, Complaint and Notice of Suit were mailed to Nigeria through their Minister of Foreign Affairs, in Abula, Nigeria. Notably, the document only indicated that these documents were mailed, not received.

Last week, on Wednesday, October 1, 2014, plaintiff's counsel exchanged an email attaching what purports to be a delivery confirmation for the documents served by the Clerk of the Court. It indicates that the documents were received on September 1, 2014. In light of these

documents, we have attempted to confirm service through my client contact. We note that they are based in New York, at Nigeria's Permanent Mission to the United Nations, and indicated that they will take the necessary steps to confirm service, by contacting the Abula office.

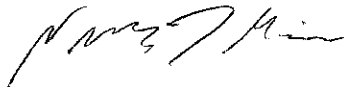
Until such time as we can confirm service, however, we cannot consent to a discovery plan lest there be a waiver of an otherwise valid defense of personal jurisdiction over Nigeria. Even assuming that service was completed on September 1, 2014, as memorialized in plaintiff's delivery confirmation, 28 U.S.C. § 1608(d) provides that a foreign state's time in which to serve an Answer or other responsive pleading is sixty days after service has been completed. Nigeria would therefore remain well within their time in which to interpose an Answer.

We shall appear at the conference to discuss these issues with the court. To the extent that service is confirmed in the interim, we will contact plaintiff's counsel to coordinate a discovery schedule.

Very truly yours,

CLAUSEN MILLER P.C.

By:

A handwritten signature in black ink, appearing to read "Nicholas J. Marino".

Nicholas J. Marino, Esq.
Joseph W. Szalyga, Esq.